

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JUNE 29, 2011

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JOURNAL OF THE SENATE

ONE HUNDRED SEVENTY-FIRST CALENDAR DAY
NINETIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, June 29, 2011

The Senate met in regular session at 10:28 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Kibbie.

The Journal of Tuesday, June 28, 2011, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:31 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 12:09 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:10 p.m. until 2:00 p.m.

RECONVENED

The Senate reconvened at 2:50 p.m., President Kibbie presiding.

The Senate stood at ease at 2:51 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:23 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 29, 2011, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 645, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions. ([S-3379](#))

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 590](#).

[House File 590](#)

On motion of Senator Soddors, [House File 590](#), a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee without recommendation, was taken up for consideration.

Senator Soddors offered amendment [S-3299](#), filed by him on April 28, 2011, to pages 1–7, 10–20, 23, and 26 of the bill.

Senator Sodders withdrew amendment [S-3376](#), filed by him from the floor to pages 1–3 and 7–10 of amendment [S-3299](#).

Senator Sodders offered amendment [S-3378](#), filed by him from the floor to pages 1–3 and 7–10 of amendment [S-3299](#).

Senator Chelgren called for the following division of amendment [S-3378](#):

Division [S-3378A](#): Page 1, line 4–Page 2, line 6; and
Page 3, lines 13–22; and
Division [S-3378B](#): Page 2, line 7–Page 3, line 12.

Senator Chelgren raised the point of order that division [S-3378B](#) was not germane to the bill.

The Chair ruled the point not well-taken and division [S-3378B](#) in order.

(Division [S-3378B](#) and [House File 590](#) were deferred.)

The Senate stood at ease at 4:41 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:46 p.m., President Kibbie presiding.

The Senate resumed consideration of division [S-3378B](#) and [House File 590](#), previously deferred.

Senator Sodders moved the adoption of division [S-3378B](#).

Division [S-3378B](#) was adopted by a voice vote.

Senator Sodders moved the adoption of division [S-3378A](#).

Division [S-3378A](#) was adopted by a voice vote.

With the adoption of amendment [S-3378](#), the Chair ruled the following amendments out of order:

[S-3350](#), filed by Senator Sodders on May 26, 2011, to pages 2, 3, and 9 of amendment [S-3299](#); and
[S-3352](#), filed by Senator Sodders on June 20, 2011, to pages 2, 3, 9 and 10 of amendment [S-3299](#).

Senator Hogg offered amendment [S-3363](#), filed by Senators Hogg and McCoy on June 22, 2011, to page 4 of amendment [S-3299](#), and moved its adoption.

Amendment [S-3363](#) to amendment [S-3299](#) was adopted by a voice vote.

Senator Sodders moved the adoption of amendment [S-3299](#), as amended.

Amendment [S-3299](#), as amended, was adopted by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn, Greiner, Houser, Seymour, and Ward, until they arrive, on request of Senator Kettering.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 590](#)), the vote was:

Yeas, 39:

Anderson	Dotzler	Horn	Rielly
Bacon	Dvorsky	Jochum	Schoenjahn
Bartz	Ernst	Johnson	Seng
Beall	Feenstra	Kapucian	Smith
Bertrand	Fraise	Kettering	Sodders
Boettger	Gronstal	Kibbie	Sorenson
Bowman	Hahn	McCoy	Whitver
Dandekar	Hancock	McKinley	Wilhelm
Danielson	Hatch	Quirnbach	Zaun
Dix	Hogg	Ragan	

Nays, 6:

Black	Chelgren	Dearden
Bolkcom	Courtney	Hamerlinck

Absent, 5:

Behn	Houser	Ward
Greiner	Seymour	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 645

Senator Schoenjahn called up for consideration [House File 645](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters and for effective date, applicability provisions and retroactive applicability provisions, amended by the Senate and further amended by the House in House amendment [S-3379](#) to Senate amendment [H-1731](#), filed June 29, 2011.

Senator Schoenjahn moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Schoenjahn moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 645](#)), the vote was:

Yeas, 28:

Bartz	Dandekar	Hancock	Quirmbach
Beall	Danielson	Hatch	Ragan
Black	Dearden	Hogg	Rielly

Boettger	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm

Nays, 17:

Anderson	Ernst	Kapucian	Whitver
Bacon	Feenstra	Kettering	Zaun
Bertrand	Hahn	McKinley	
Chelgren	Hamerlinck	Smith	
Dix	Johnson	Sorenson	

Absent, 5:

Behn	Houser	Ward
Greiner	Seymour	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 590 and 645** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 29, 2011, **adopted** the conference committee report **and passed** [House File 648](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions.

The Senate stood at ease at 5:15 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 5:47 p.m., President Pro Tempore Danielson presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kapucian, until he returns, on request of Senator McKinley.

CONFERENCE COMMITTEE REPORT RECEIVED AND
CONSIDERED[House File 648](#)

A conference committee report, signed by the following Senate and House members, was filed June 29, 2011, on [House File 648](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions:

On the part of the Senate:

MATT McCOY, Chair
DARYL BEALL
ROBERT E. DVORSKY
TIM KAPUCIAN

On the part of the House:

ROYD CHAMBERS, Chair
DENNIS COHOON
ERIK HELLAND
DAN HUSEMAN
JO OLDSON

[House File 648](#)

Senator Courtney called up the conference committee report on [House File 648](#), a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, and other funds, providing for related matters and including effective date provisions, filed on June 29, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 648](#)), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Whitver
Bertrand	Feenstra	Kettering	Zaun
Boettger	Greiner	McKinley	

Absent, 5:

Behn	Kapucian	Ward
Houser	Seymour	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 648](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 5:58 p.m. until 8:00 p.m.

RECONVENED

The Senate reconvened at 8:40 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on June 29, 2011, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 590, a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

CONFERENCE COMMITTEE REPORT RECEIVED AND
CONSIDERED**Senate File 533**

A conference committee report, signed by the following Senate and House members, was filed June 29, 2011, on **Senate File 533**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions:

On the part of the Senate:

ROBERT E. DVORSKY, Chair
JEFF DANIELSON
PAM JOCHUM

On the part of the House:

J. SCOTT RAECKER, Chair
JEFF KAUFMANN
NICK WAGNER

Senate File 533

Senator Courtney called up the conference committee report on **Senate File 533**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, filed on June 29, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 533](#)), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Whitver
Bertrand	Feenstra	Kettering	Zaun
Boettger	Greiner	McKinley	

Absent, 5:

Behn	Kapucian	Ward
Houser	Seymour	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 533](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:55 p.m. until 8:00 a.m., Thursday, June 30, 2011.

APPENDIX**ARTICLE 3, SECTION 10 PROTEST/REASONS FOR DISSENT**

The following reasons for dissent were received in the office of the Secretary of the Senate for entry hereon:

I am submitting my official protest vote with regards to [House File 590](#) on the twenty-ninth day of June in the 2011 year of our Lord Jesus Christ.

The bill is injurious to the voters of Iowa because it creates a special corporation directly violating Article VIII, Section 1 of the Iowa Constitution: "No corporation shall be created by special laws; but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created."

MARK CHELGREN
DISTRICT 47

AMENDMENTS FILED

S-3376	H.F. 590	Steven J. Sodders
S-3377	H.F. 589	Tom Rielly
		Tim L. Kapucian
S-3378	H.F. 590	Steven J. Sodders
S-3379	H.F. 645	House